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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,508	07/12/2005	Ulrich Bardolatzy	P05,0103	8650

26574 7590 06/18/2007  
SCHIFF HARDIN, LLP  
PATENT DEPARTMENT  
6600 SEARS TOWER  
CHICAGO, IL 60606-6473

EXAMINER
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NGO, HOANG X

ART UNIT	PAPER NUMBER
2852	

MAIL DATE	DELIVERY MODE
06/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/531,508

Applicant(s)

BARDOLATZY ET AL.

Examiner

Hoang Ngo

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 29-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/14/05, 7/27/06</u>  | 6) <input type="checkbox"/> Other: ____.                          |

### **DETAILED ACTION**

1. Claims 29-56 are pending in this case. Claims 29, 37, 38, 39, 46, 47, and 56 are independent claims.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS), filed on 4/14/05, 7/24/06 and the cited information has been considered.

#### ***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 29-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshimura et al (US 6,603,937).

Yoshimura et al disclose a graphical user interface (i.e. operation panel 6, Col. 14, lines 45-58) for indication of a malfunction state of a printing or copying system comprising a display field (i.e. LCD display portion 8) for malfunction indication being shown in a first color (see S612, Fig. 20) given an undisturbed first operating state; being shown in a second color (S618, Fig. 20) given a potentially disturbed second operating state with a potential malfunction of a first group; and being shown in a third color (S619) given a disturbed third operating state with a malfunction of a second group (Col. 30, lines 14-60).

Yoshimura et al further disclose the first color comprises a low-contrast color relative to surroundings of the display field; the second color comprises a color that is clearly distinguishable from surroundings of the display field, and a warning message being output in the second operating state; the third color comprises a color that is clearly distinguishable from surroundings of the display field, and a malfunction message being output in the third operating state (see Table 3, Col. 30); the first group comprises potential malfunctions consisting of a warning message and an alarm message is output via the color of the display field, no actual impairment of the printing or copying process being present given malfunctions of the first group; the second group comprises malfunctions in which an error state exists due to which a severe impairment of the printing or copying system exists and a printing or copying process is interrupted (Fig. 20); the display field contains a graphical symbol; the symbol is at least changed given a change from the second operating state to the third operating state (Fig 14A, Col. 38, lines 5-10).

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6. Claim 56 is rejected under 35 U.S.C. 102(e) as being anticipated by Haines (US 6,842,588).

Haines discloses a method for automatic generation of messages in an image forming apparatus comprising the steps of automatically generating a text message that contains an error code with aid of a data processing system after occurrence of a preset error state; and sending the message to a preset recipient (Fig. 3, Col. 3, lines 33-48).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 47-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura et al in view of Haines.

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As discussed above, Yoshimura et al disclose every aspect of applicant's claimed invention except for generating a text message contains an error code and transmits the message to a recipient.

Haines disclose an image forming apparatus comprising method for generating a text message contains an error code and transmits the message to a recipient (Fig. 3, Col. 3, lines 33-48).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the method of Haines to the apparatus of Yoshimura so that the device status can be instantly transmitted to the user over the network.

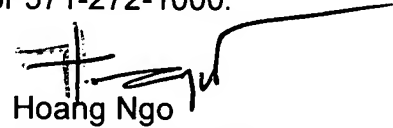
#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Ngo whose telephone number is (571) 272-2138. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on (571) 272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Hoang Ngo  
Primary Examiner  
Art Unit 2852

Hn  
June 7, 2007